

for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States.

(Oct. 15, 1914, ch. 323, § 20, 38 Stat. 738.)

#### FEDERAL RULES OF CIVIL PROCEDURE

Injunctions, see rule 65, Title 28, Appendix, Judiciary and Judicial Procedure.

#### CROSS REFERENCES

Applicability of this section and section 53 of this title to the insurance business, see sections 1011 to 1015 of Title 15, Commerce and Trade.

District courts to have jurisdiction to issue writs of injunction to compel compliance or restrain violation of an order of Interstate Commerce Commission, see sections 1336, 2321 et seq. of Title 28, Judiciary and Judicial Procedure.

Jurisdiction of courts in matters affecting employer and employee, see section 101 et seq. of this title.

Transporting strikebreakers, penalty, see section 1231 of Title 18, Crimes and Criminal Procedure.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 53, 186 of this title; title 18 section 1951; title 42 section 2135; title 47 section 606.

### § 53. “Person” or “persons” defined

The word “person” or “persons” wherever used in section 52 of this title shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

(Oct. 15, 1914, ch. 323, § 1, 38 Stat. 730.)

#### CODIFICATION

Section is based on the 3d par. of section 1(a) of the Clayton Act (Oct. 15, 1914, ch. 323, as amended by section 305(b) of Pub. L. 94-435, Sept. 30, 1976). Section 1 of the Clayton Act is classified in its entirety to section 12 of Title 15, Commerce and Trade.

#### FEDERAL RULES OF CIVIL PROCEDURE

Injunctions, see rule 65, Title 28, Appendix, Judiciary and Judicial Procedure.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 2135.

## CHAPTER 6—JURISDICTION OF COURTS IN MATTERS AFFECTING EMPLOYER AND EMPLOYEE

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| Sec.<br>101.<br>102.<br>103.<br>104.<br>105.<br>106.<br>107. | Issuance of restraining orders and injunctions; limitation; public policy.<br>Public policy in labor matters declared.<br>Nonenforceability of undertakings in conflict with public policy; “yellow dog” contracts.<br>Enumeration of specific acts not subject to restraining orders or injunctions.<br>Doing in concert of certain acts as constituting unlawful combination or conspiracy subjecting person to injunctive remedies.<br>Responsibility of officers and members of associations or their organizations for unlawful acts of individual officers, members, and agents.<br>Issuance of injunctions in labor disputes; hearing; findings of court; notice to affected persons; temporary restraining order; undertakings. |
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| Sec.<br>108.<br>109.<br>110.<br>111, 112.<br>113.<br>114.<br>115. | Noncompliance with obligations involved in labor disputes or failure to settle by negotiation or arbitration as preventing injunctive relief.<br>Granting of restraining order or injunction as dependent on previous findings of fact; limitation on prohibitions included in restraining orders and injunctions.<br>Review by court of appeals of issuance or denial of temporary injunctions; record.<br>Repealed.<br>Definitions of terms and words used in chapter.<br>Separability.<br>Repeal of conflicting acts. |
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#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 160, 178, 186 of this title; title 18 section 1951; title 42 section 2000e-5; title 49 section 14103.

### § 101. Issuance of restraining orders and injunctions; limitation; public policy

No court of the United States, as defined in this chapter, shall have jurisdiction to issue any restraining order or temporary or permanent injunction in a case involving or growing out of a labor dispute, except in a strict conformity with the provisions of this chapter; nor shall any such restraining order or temporary or permanent injunction be issued contrary to the public policy declared in this chapter.

(Mar. 23, 1932, ch. 90, § 1, 47 Stat. 70.)

#### SHORT TITLE

Act Mar. 23, 1932, ch. 90, 47 Stat. 70, which enacted this chapter, is popularly known as the “Norris-LaGuardia Act”.

#### FEDERAL RULES OF CIVIL PROCEDURE

Injunctions, see rule 65, Title 28, Appendix, Judiciary and Judicial Procedure.

#### CROSS REFERENCES

Civil actions for prevention of unlawful employment practices, provisions of this chapter not applicable to, see section 2000e-5 of Title 42, The Public Health and Welfare.

Labor-Management Relations, see section 141 et seq. of this title.

Orders of National Labor Relations Board, see section 160 of this title.

Public policy, see section 102 of this title.

Strikes subject to injunction, inapplicability of this chapter, see section 178 of this title.

### § 102. Public policy in labor matters declared

In the interpretation of this chapter and in determining the jurisdiction and authority of the courts of the United States, as such jurisdiction and authority are defined and limited in this chapter, the public policy of the United States is declared as follows:

Whereas under prevailing economic conditions, developed with the aid of governmental authority for owners of property to organize in the corporate and other forms of ownership association, the individual unorganized worker is commonly helpless to exercise actual liberty of contract and to protect his freedom of labor, and thereby to obtain acceptable terms and conditions of employment, wherefore, though he should be free to decline to associate with his



fellows, it is necessary that he have full freedom of association, self-organization, and designation of representatives of his own choosing, to negotiate the terms and conditions of his employment, and that he shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; therefore, the following definitions of and limitations upon the jurisdiction and authority of the courts of the United States are enacted.

(Mar. 23, 1932, ch. 90, § 2, 47 Stat. 70.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 103 of this title.

**§ 103. Nonenforceability of undertakings in conflict with public policy; “yellow dog” contracts**

Any undertaking or promise, such as is described in this section, or any other undertaking or promise in conflict with the public policy declared in section 102 of this title, is declared to be contrary to the public policy of the United States, shall not be enforceable in any court of the United States and shall not afford any basis for the granting of legal or equitable relief by any such court, including specifically the following:

Every undertaking or promise hereafter made, whether written or oral, express or implied, constituting or contained in any contract or agreement of hiring or employment between any individual, firm, company, association, or corporation, and any employee or prospective employee of the same, whereby

(a) Either party to such contract or agreement undertakes or promises not to join, become, or remain a member of any labor organization or of any employer organization; or

(b) Either party to such contract or agreement undertakes or promises that he will withdraw from an employment relation in the event that he joins, becomes, or remains a member of any labor organization or of any employer organization.

(Mar. 23, 1932, ch. 90, § 3, 47 Stat. 70.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 104 of this title.

**§ 104. Enumeration of specific acts not subject to restraining orders or injunctions**

No court of the United States shall have jurisdiction to issue any restraining order or temporary or permanent injunction in any case involving or growing out of any labor dispute to prohibit any person or persons participating or interested in such dispute (as these terms are herein defined) from doing, whether singly or in concert, any of the following acts:

(a) Ceasing or refusing to perform any work or to remain in any relation of employment;

(b) Becoming or remaining a member of any labor organization or of any employer organization, regardless of any such undertaking or promise as is described in section 103 of this title;

(c) Paying or giving to, or withholding from, any person participating or interested in such labor dispute, any strike or unemployment benefits or insurance, or other moneys or things of value;

(d) By all lawful means aiding any person participating or interested in any labor dispute who is being proceeded against in, or is prosecuting, any action or suit in any court of the United States or of any State;

(e) Giving publicity to the existence of, or the facts involved in, any labor dispute, whether by advertising, speaking, patrolling, or by any other method not involving fraud or violence;

(f) Assembling peaceably to act or to organize to act in promotion of their interests in a labor dispute;

(g) Advising or notifying any person of an intention to do any of the acts heretofore specified;

(h) Agreeing with other persons to do or not to do any of the acts heretofore specified; and

(i) Advising, urging, or otherwise causing or inducing without fraud or violence the acts heretofore specified, regardless of any such undertaking or promise as is described in section 103 of this title.

(Mar. 23, 1932, ch. 90, § 4, 47 Stat. 70.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 105 of this title.

**§ 105. Doing in concert of certain acts as constituting unlawful combination or conspiracy subjecting person to injunctive remedies**

No court of the United States shall have jurisdiction to issue a restraining order or temporary or permanent injunction upon the ground that any of the persons participating or interested in a labor dispute constitute or are engaged in an unlawful combination or conspiracy because of the doing in concert of the acts enumerated in section 104 of this title.

(Mar. 23, 1932, ch. 90, § 5, 47 Stat. 71.)

**§ 106. Responsibility of officers and members of associations or their organizations for unlawful acts of individual officers, members, and agents**

No officer or member of any association or organization, and no association or organization participating or interested in a labor dispute, shall be held responsible or liable in any court of the United States for the unlawful acts of individual officers, members, or agents, except upon clear proof of actual participation in, or actual authorization of, such acts, or of ratification of such acts after actual knowledge thereof.

(Mar. 23, 1932, ch. 90, § 6, 47 Stat. 71.)

**§ 107. Issuance of injunctions in labor disputes; hearing; findings of court; notice to affected persons; temporary restraining order; undertakings**

No court of the United States shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of a labor dispute, as defined in this chapter, except after hearing the testimony of witnesses in